

EXHIBIT A

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION

4 NETLIST, INC., (CAUSE NO. 2:21-CV-463-JRG
5)
6 Plaintiff, ()
7 vs. ()
8 SAMSUNG ELECTRONICS CO., LTD., ()
9 et al.,) MARSHALL, TEXAS
10 (APRIL 17, 2023
11) 8:30 A.M.
12

13 VOLUME 2
14

15 TRIAL ON THE MERITS
16

17 BEFORE THE HONORABLE RODNEY GILSTRAP
18 UNITED STATES CHIEF DISTRICT JUDGE
19 and a jury
20

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1 THE COURT: Sustained.

2 THE WITNESS: Can I --

3 THE COURT: No.

4 MR. SHEASBY: I'll re-ask the question.

5 THE WITNESS: Okay.

6 Q. (By MR. SHEASBY) What is the relationship between
7 bypass -- is there a relationship between bypass and
8 through-hole vias in common parlance in the industry?

9 A. Well, in this particular case, what we're -- what we're
10 showing is that those vias are going through the stack. And
11 if there's no -- if there is what we call a keep-out around
12 that via, it's effectively bypassed.

13 So we talk about in our document those keep-out areas.
14 And if it doesn't hook up to the data port, it means there's
15 no electrical communication; whereas, above that, if there is
16 a data port present, then we will have that electrical
17 communication.

18 MR. SHEASBY: Your Honor, may I approach one more
19 time?

20 THE COURT: You may.

21 (The following was had outside the hearing of the
22 jury.)

23 MR. SHEASBY:

24 THE COURT: What is it, Mr. Sheasby?

25 MR. SHEASBY: I intend with your permission to

1 Q. And you also believe that a buck converter is more
2 complicated to implement, is more costly to implement, and is
3 more noisy than an LDO. Correct?

4 A. Yes, sir.

5 Q. In fact, you believe that buck converters and LDOs have
6 fundamentally different characteristics as well as operational
7 benefits and limitations. Correct?

8 A. That sounds correct, yes.

9 Q. All right. Let's put up claim 1 again, and I want to
10 talk to you about the converter circuit and I want to focus
11 you on the language of the claim.

12 MR. McKEON: Let's highlight that whole block,
13 please.

14 Q. (BY MR. McKEON) And the claim provides a converter
15 circuit configured to provide a fourth regulated voltage
16 having a fourth voltage amplitude. Do you agree with how
17 -- is that accurate as I read that, sir?

18 A. Yes, I believe you read it right.

19 Q. All right. And the Court didn't construe this particular
20 element, so the construction is the plain and ordinary meaning
21 of the phrase as understood by one of ordinary skill in the
22 art. Is that right?

23 A. Yes.

24 Q. Okay. And as part of that analysis, you look at the
25 specification to figure out how it was used by the inventors

1 in this context. Isn't that right?

2 A. Yes.

3 Q. Now, in your opinion, any circuit that converts a voltage
4 is a converter circuit. Correct?

5 A. Sure, yes.

6 Q. In fact, you believe that an LDO is a converter circuit.
7 Right?

8 A. Yes.

9 Q. And you've testified earlier in this proceeding and prior
10 to the trial, you said that you believe that a wire can be a
11 converter circuit. Isn't that right?

12 A. Yes, because it has resistance.

13 Q. Now, to find infringement, you did not look for any
14 structural element beyond the functional requirements that
15 something reduces the voltage. Correct?

16 A. I reviewed all the material available to me.

17 Q. Well, let me have you look at your deposition, sir. It's
18 the same document you looked at earlier. It's page 112:8 to
19 17.

20 A. Yes, I see that.

21 Q. Okay. Let me ask you again, you did not look for any
22 structural element beyond the functional requirement that
23 something reduced the voltage. Correct?

24 A. Yes, that was the structure I looked for.

25 Q. Now, as long as something converts voltage, you say that

1 it's a converter circuit. Is that right?

2 A. Yes.

3 Q. Now, you agree with me that the converter circuit, this
4 language requires structure in the patent. Right?

5 A. Yes. This is an apparatus claim, so --

6 Q. So just looking at function is not enough to find out
7 what infringes this claim element. Isn't that right?

8 A. From a legal point of view, I don't know if that's
9 accurate or not. I'm sorry.

10 Q. You agree with me that the claim element -- this is a
11 memory module comprising, so it's a physical thing. Right?

12 A. Yes.

13 Q. Okay. And a converter circuit is a physical thing.
14 Isn't that right?

15 A. Yes.

16 Q. And it has structure. Isn't that right?

17 A. Yes.

18 Q. And the claim requires structure in order to find -- in
19 order to find infringement, you have to find structure. Isn't
20 that right?

21 MR. MANZIN-MONNIN: Objection, Your Honor.

22 THE COURT: State your objection.

23 MR. MANZIN-MONNIN: He's asking for a legal
24 conclusion.

25 THE COURT: Overruled. It's an expert. We're

1 I HEREBY CERTIFY THAT THE FOREGOING IS A
2 CORRECT TRANSCRIPT FROM THE RECORD OF
3 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

4 I FURTHER CERTIFY THAT THE TRANSCRIPT FEES
5 FORMAT COMPLY WITH THOSE PRESCRIBED BY THE
6 COURT AND THE JUDICIAL CONFERENCE OF THE
7 UNITED STATES.

8
9 S/Shawn McRoberts

04/17/2023

10 _____ DATE _____
11 SHAWN McROBERTS, RMR, CRR
FEDERAL OFFICIAL COURT REPORTER

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